

Army Regulation 15-1

**Boards, Commissions, and
Committees**

**Department
of the Army
Federal
Advisory
Committee
Management
Program**

**Headquarters
Department of the Army
Washington, DC
13 July 2018**

UNCLASSIFIED

SUMMARY of CHANGE

AR 15-1

Department of the Army Federal Advisory Committee Management Program

This regulation is certified current as of 13 July 2018. Aside from the following administrative changes, no other changes were made to certify the currency of this regulation—

- o Updates applicability and distribution statements (title page).
- o Updates boilerplate statements for references and explanation of abbreviations and terms (paras 1-1 and 1-2).
- o Updates reference websites (app A).
- o Updates address for internal control evaluation comments (para B-6).

Boards, Commissions, and Committees

Department of the Army Federal Advisory Committee Management Program

By Order of the Secretary of the Army:

MARK A. MILLEY
General, United States Army
Chief of Staff

Officially



MARK F. AVERILL
Acting Administrative Assistant
to the Secretary of the Army

History. This regulation is certified current on 13 July 2018. Aside from updating the title page, paragraphs 1–1, 1–2, appendix A websites, and the address in paragraph B – 6, no other changes were made to certify currency of this regulation. No content has been changed.

Summary. This publication establishes policies and responsibilities for the administration and management of the Department of the Army Federal Advisory Committee Management Program. Also, it implements changes and procedures required by DODI 5105.04.

Applicability. This regulation applies to the Regular Army, the Army National Guard/Army National Guard of the United States, and the U.S. Army Reserve, unless otherwise stated.

Proponent and exception authority. The proponent for this regulation is the Administrative Assistant to the Secretary of the Army. The proponent or a higher authority may approve exceptions to this regulation that are consistent with controlling law and regulation. The proponent may delegate this authority in writing to a division chief within the proponent agency in the grade of colonel or the civilian equivalent. Activities may request waivers to this regulation by providing justification that includes a full analysis of the expected benefits of the waiver; and must include formal review by the activity's senior legal officer. All waiver requests must be endorsed by the commander or senior leader of the requesting activity and forwarded through the activity's higher headquarters to the proponent of this policy. Refer to AR 25–30 for specific guidance.

Army internal control process. This regulation contains internal control provisions in accordance with AR 11–2 and identifies key internal controls that must be evaluated (see appendix B).

Supplementation. Supplementation of this regulation and establishment of command and local forms are prohibited without prior approval from the Administrative Assistant to the Secretary of the Army (SAAA–ZA), 9301 Chapek Road, Building 1458, Fort Belvoir, VA 22060–5527.

Suggested improvements. Users are invited to send comments or suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) to the Administrative Assistant to the Secretary of the Army (SAAA–ZA), 9301 Chapek Road, Building 1458, Fort Belvoir, VA 22060–5527, or by email to usarmy.pentagon.hqda-oaa-rpa.mbx.committee-management@mail.mil.

Distribution. This publication is available in electronic media only and is intended for command levels the Regular Army, Army National Guard/Army National Guard of the United States, and U.S. Army Reserve.

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Glossary

Chapter 1 Introduction

1–1. Purpose

This regulation sets forth the basic policies and principles governing the Department of the Army (DA) Federal Advisory Committee Management Program. This program is required by Department of Defense Instruction (DODI) 5105.04 and the provisions of the Federal Advisory Committee Act (FACA) of 1972, as amended (Title 5, United States Code, Appendix) (5 USC Appendix)), for Federal Advisory Committees.

1–2. References

See appendix A.

1–3. Explanation of abbreviations and terms

See glossary.

1–4. Responsibilities

a. Secretary of the Army. The Secretary of the Army (SECARMY) is the Department of Defense (DOD) Sponsor for Federal Advisory Committees or Subcommittees established or supported by DOD and sponsored by DA. Specific responsibilities for DOD Sponsors in general are described in DODI 5105.04. As a DOD Sponsor the SECARMY will—

(1) Make recommendations to the Advisory Committee Management Officer (ACMO) regarding the establishment, renewal, or termination of Army-sponsored DOD-supported Federal Advisory Committees.

(2) Obtain authorization from the Secretary of Defense, or designee, to appoint qualified individuals to serve on Army-sponsored Federal Advisory Committees or Subcommittees established or supported by DOD. Consistent with DOD policy all requests to invite, appoint, or renew the appointment of individuals to advisory committees or subcommittees established or supported by DOD must be reviewed for compliance by the ACMO for the DOD and appropriate Office of Secretary of Defense officials prior to coordination with the Secretary of Defense or Deputy Secretary of Defense.

(3) Ensure that Army organizations cooperate with Army-sponsored DOD-supported Federal Advisory Committees and furnish such information and assistance as is necessary for the performance of their functions, consistent with applicable laws.

(4) As appropriate, appoint the Administrative Assistant to the Secretary of the Army (AASA) as the Army Group Federal Officer (GFO) to assist in the oversight and management of Army-sponsored Federal Advisory Committees or Subcommittees established or supported by DOD.

(5) Appoint, in writing, designated Federal officers (DFOs) and alternate DFOs, as needed, for each Army-sponsored Federal Advisory Committee or Subcommittee established or supported by DOD. This appointment authority may be further delegated in writing to the AASA.

(6) Determine, in consultation with the Office of the Army General Counsel (OGC), whether to close all or part of a committee meeting to the public pursuant to 5 USC 552b. This authority may be further delegated in writing to the Army GFO, who will be at the Assistant Secretary level or the three-star general officer equivalent.

(7) Evaluate, unless prohibited by a statute or executive order, a committee's independent advice and recommendations, and determine whether actions or policies will be implemented by the DA. This authority may be delegated in writing, but no lower than the Assistant Secretary level or the three-star general officer equivalent.

(8) Provide a copy of all delegations to the ACMO (see DODI 5105.04).

(9) Unless otherwise directed by statute, Presidential directive, or determination by the Secretary of Defense or the Deputy Secretary of Defense, approve work to be performed by all Army-sponsored Federal Advisory Committees or Subcommittees, and determine whether to establish subcommittees according to DOD policy for any Army-sponsored Federal Advisory Committees.

b. Office of the Army General Counsel. The OGC will—

(1) Provide legal counsel on matters pertaining to the Army's aspects of the DOD Federal Advisory Committee Management Program.

(2) Review requests to close or partially close a committee meeting to the public pursuant to 5 USC 552b(c).

(3) Review and retain a copy of the financial disclosure reports submitted by members of committees that are supported by an organization in the Army Secretariat. Financial disclosure reports of other committee members will be reviewed by the appropriate command ethics counselor.

c. Administrative Assistant to the Secretary of the Army. The AASA is the proponent of this regulation and oversees DA's overall compliance with DODI 5105.04. The AASA, under the authority, direction, and control of the DOD Sponsor will serve as the Army GFO. As the Army GFO, the AASA will—

(1) Assist the DOD Sponsor in the administrative oversight and management of their aspects of the DOD Federal Advisory Committee Management Program.

(2) Oversee compliance of Army-sponsored Federal Advisory Committees with Part 102–3, Title 41, Code of Federal Regulations (41 CFR 102–3.5 through 102–3.185), 5 USC Appendix, DODI 5105.04, and all other relevant Federal statutes and regulations.

(3) Develop and maintain a DA Committee Management Program that ensures compliance with the appropriate statutes, executive orders, policies, and regulations.

(4) Develop and implement Armywide policies and procedures to ensure compliance with 41 CFR 102–3.5 through 102–3.185, 5 USC Appendix, and DODI 5105.04.

(5) Consult with OGC on legal matters pertaining to the Army's aspects of the DOD Federal Advisory Committee Management Program.

(6) When delegated in writing by the DOD Sponsor, determine, in consultation with the OGC, whether to close all or part of a committee meeting to the public pursuant to 5 USC 552b(c).

(7) Maintain copies of all DFO appointment memoranda and provide copies to the ACMO.

Chapter 2 Federal Advisory Committees

Section I Provisions

2–1. Purpose

This chapter incorporates and implements the requirements and guidance set forth in DODI 5105.04. Detailed information on Federal Advisory Committees is available in DODI 5105.04.

2–2. Advisory committee guidance

An advisory committee is established by statute, Presidential directive, or under the agency head's authority. Within DOD, the authority to establish a discretionary advisory committee rests with the ACMO and applies to all advisory committees and subcommittees established or supported by DOD where one or more individuals is not a full-time or permanent part-time Federal officer or employee. In addition, the following guidance applies:

- a.* No committee will be considered essential if its functions can be performed effectively within an existing organizational element or committee, or by enlarging the mandate of an existing committee.
- b.* No committee will be considered part of any DOD organizational structure.
- c.* An established committee will be terminated whenever the committee has accomplished its stated objectives.
- d.* Committee meetings will be open to the public except in those instances where a closed meeting has been approved in accordance with exemptions specified in 5 USC 552b(c).

2–3. Committee members and composition

- a. Committee members.*
- b. Membership composition.* Committee membership, as a whole, will be balanced in terms of the points of view and the functions to be performed.

Section II Program Guidance

2–4. Member nominations

- a.* Membership on a Federal Advisory Committee or subcommittee is a nominative process that requires approval from the Secretary or Deputy Secretary of Defense.
- b.* DODI 5105.04 describes the process for the DOD committee member selection and appointments.
- c.* The Army procedures within the DOD process follows:

(1) The Army DFO will submit a nomination request package to the Army GFO for coordination by the DOD Sponsor with the Secretary of Defense or designee. The nomination package will include the following:

(a) For new appointments or reappointments to an additional multiyear term of service, the request memorandum will specify a term of service length (1 to 4 years) consistent with the committee's charter. For annual renewal of appointments, the request will specify the existing members' term of service inclusive dates. Multiple nominees may be listed in one memorandum.

(b) The nominee's resume or curriculum vitae with comprehensive information regarding their qualifications to serve on the committee.

(c) The DD Form 2292 (Request for Appointment or Renewal of Appointment of Consultant or Expert) will include signature of the appropriate standards of conduct authority that indicates review of the Office of Government Ethics (OGE) Form 450 (Confidential Financial Disclosure Report) for potential conflicts of interest. This form will be filed electronically using the Financial Disclosure Management System.

(2) The SECARMY will obtain appointment authorization from the Secretary or Deputy Secretary of Defense.

(3) If authorized, the SECARMY will appoint the member or members in writing in consultation with the ACMO, who will provide an appointment compliance review and prepare an appointment memorandum.

(4) The Army DFO will ensure that the approved nominees comply with all regulatory appointment requirements before engaging in committee work (see DODI 5101.04 for requirements). In addition, the Army DFO will obtain a completed DA Form 5412 (Waiver of Compensation Statement), from the member. The Army DFO will collect the completed appointment paperwork from the SGE member, if applicable, and coordinate with the appropriate servicing human resources office to appoint the member as an SGE. The Army DFO will input the member's information into the General Services Administration (GSA) FACA database.

2-5. Nonvoting consultant nominations

a. The SECARMY may appoint nonvoting consultants to provide advice to the committee chairperson or the committee and/or subcommittee members. These consultants do not count toward the membership ceiling, do not participate in committee deliberations, and do not have voting rights. No nonvoting consultant will be a registered Federal lobbyist.

b. The procedures to nominate a nonvoting consultant is as follows:

(1) The Army DFO will submit a nomination request package through the Army GFO for coordination with the DOD Sponsor for approval. The Army DFO will submit the request at least 60 days prior to the required appointment date. The nomination package will include the following:

(a) Request memorandum. Multiple nominees may be listed in one memorandum.

(b) The nominee's resume or curriculum vitae with comprehensive information regarding their qualifications.

(c) The DD Form 2292 will include signature of the appropriate standards of conduct authority.

(2) The Army GFO will prepare an action memorandum request for the DOD Sponsor's signature and will coordinate the DOD Sponsor's approval to proceed with the nominations.

(3) The Army GFO will obtain required coordination, including the ACMO and the Special Assistant to the Secretary of Defense for the White House Liaison.

(4) Once the action is fully coordinated, the Army GFO will formally obtain the DOD Sponsor's approval decision using an appointment memorandum.

(5) The Army DFO will proceed with paperwork to appoint the nonvoting consultant as an SGE, if applicable.

2-6. Charters

a. *Establishment.* Submit requests to establish an Army-sponsored Federal Advisory Committee to the Army GFO for review. The request will include an initial draft charter containing the required charter components and a memorandum containing the elements of justification (see DODI 5105.04). (The proponent may contact the Army GFO for guidance on preparing the documents.)

b. *Renewal.* FACA committee charters will contain a termination date no later than 2 years after the date of the charter's current filing date. To renew a charter, the Army DFO will submit a renewal request to the Army GFO for processing no later than 180 days prior to the expiration date of the committee's charter. The DFO will obtain additional coordination as specified by the Army GFO. The request will specify proposed updates to the charter, if any, and will include a justification to renew in accordance with DODI 5105.04.

c. *Amendments.* The Army DFO will submit proposed amendments to the Army GFO for processing.

d. *Termination.* The Army DFO will submit requests to terminate a committee prior to the charter's expiration date to the Army GFO for processing.

e. Approval and filing of charters. For each charter action, the Army GFO will review the request, and as appropriate, will in turn submit a written request to the ACMO for final determination. The ACMO files copies of approved charters with the GSA, the Library of Congress, and the appropriate Congressional oversight committees.

2–7. Establishment of subcommittees

When establishment of a subcommittee is required to fulfill the advisory committee’s mission, the Army DFO will initiate coordination with the Army GFO by submitting a draft terms of reference. The Army GFO, in coordination with the Army DFO and the ACMO, will submit the terms of reference to the DOD Sponsor for approval. If approved by the DOD Sponsor, the Army GFO will prepare the necessary paperwork for appointment of the subcommittee members in accordance with DOD policy. All subcommittee recommendations must be submitted to the parent committee for deliberation and subsequent submission by the parent committee to the Government decisionmaker.

2–8. Closed meeting determinations

To close all or any portion of a meeting, the Army DFO must submit a request to the Army GFO for review at least 45 days before the scheduled meeting. The request for closure must cite the specific exemption(s) of the 5 USC 552b(c), and include appropriate justification to support the Army DFO’s request to close all or a portion of a meeting to the public. In accordance with 41 CFR 102–3.155, OGC will review all requests to close meetings and provide a legal determination to the Army GFO. In consultation with OGC, the Army GFO will provide a written determination to the DFO. Consistent with judicial rulings every request to close all or a portion of a meeting to the public must be done individually and based on an approved meeting agenda. Under no circumstances will any blanket closed-meeting determinations be allowed.

2–9. Reporting requirements

Army DFOs will submit reports as required by the ACMO or Army GFO.

a. Annual comprehensive review. Each DFO will update and verify the accuracy of their portion of the GSA FACA database in accordance with ACMO and Committee Management Secretariat in the GSA guidelines.

b. Annual report of closed or partially-closed committee or subcommittee meetings. Each DFO will submit either a negative response or a closed or partially-closed meeting report in accordance with ACMO guidance.

Appendix A

References

Section I

Required Publications

DODI 5105.04

Department of Defense Federal Advisory Committee Management Program (Cited in title page.) (Available at <http://www.whs.mil/dd/>.)

Section II

Related Publications

A related publication is a source of additional information. The user does not have to read it to understand this regulation.

AR 11–2

Manager's Internal Control Program

AR 15–39

Department of the Army Intergovernmental and Intragovernmental Committee Management Program

AR 25–30

The Army Publishing Program

DODI 5105.18

DOD Intergovernmental and Intragovernmental Committee Management Program (Available at <http://www.esd.whs.mil/dd/>.)

Federal Advisory Committee Management, Final Rule 2001

(Available at <http://www.gsa.gov/portal/content/104034>.)

Presidential Memorandum, Lobbyists on Agency Boards and Commissions, dated June 18, 2010 (Available at <https://obamawhitehouse.archives.gov/the-press-office/presidential-memorandum-lobbyists-agency-boards-and-commissions>.)

OMB final guidance (Federal Register, Volume 33, p. 61756)

(Available at <https://www.federalregister.gov/documents/2011/10/05/2011-25736/final-guidance-on-appointment-of-lobbyists-to-federal-boards-and-commissions>.)

OMB revised guidance (Federal Register, Volume 79, p. 47482)

(Available at <https://www.federalregister.gov/documents/2014/08/13/2014-19140/revised-guidance-on-appointment-of-lobbyists-to-federal-advisory-committees-boards-and-commissions>.)

41 CFR 102–3.5 through 102–3.185

Federal Advisory Committee Management (Available at <https://www.gpo.gov/fdsys/pkg/cfr-2011-title41-vol3/pdf/cfr-2011-title41-vol3-part102-id46.pdf>.)

5 USC Appendix, as amended (Public Law 92–463)

Federal Advisory Committee Act, as amended (Available at <https://www.gpo.gov/fdsys/pkg/uscode-2010-title5/html/uscode-2010-title5-app-federalad.htm>.)

5 USC 552b (Public Law 94–409)

Government in the Sunshine Act (Open Meetings) (Available at <https://www.gpo.gov/fdsys/pkg/statute-90/pdf/statute-90-pg1241.pdf>.)

5 USC 2104

Officer (Available at <https://www.gpo.gov/fdsys/pkg/uscode-2011-title5/pdf/uscode-2011-title5-partiii-subparta-chap21-sec2105.pdf>.)

5 USC 2105

Employee (Available at <https://www.gpo.gov/fdsys/pkg/uscode-2011-title5/pdf/uscode-2011-title5-partiii-subparta-chap21-sec2105.pdf>.)

Section III

Prescribed Forms

Except where otherwise indicated below DA Forms are available on the Army Publishing Directorate website (<https://armypubs.army.mil>).

DD Form 2292

Request for Appointment or Renewal of Appointment of Consultant or Expert (Prescribed in paras 2-4c(1)(c), 2-5b(1)(c).)

Section IV

Referenced Forms

Except where otherwise indicated below, DA Forms are available on the Army Publishing Directorate website (<https://armypubs.army.mil>).

DA Form 11-2

Internal Control Evaluation Certification

DA Form 2028

Recommended Changes to Publications and Blank Forms

DA Form 5412

Waiver of Compensation Statement

OGE Form 450

Confidential Financial Disclosure Report (Available at <https://www.fdm.army.mil/>.)

Appendix B

Internal Control Evaluation

B–1. Function

The function covered by this evaluation is the management and administration of the FACA portion of the DA Committee Management Program.

B–2. Purpose

The purpose of this evaluation is to assist the Army GFO in evaluating the key internal controls outlined below; it is not intended to cover all controls.

B–3. Instructions

Answers must be based on the actual testing of internal controls (such as document analysis, direct observation, sampling, and simulation). Answers that indicate deficiencies must be explained and corrective action indicated in supporting documentation. These management controls must be formally evaluated at least once every five years. Certification that this evaluation has been conducted must be accomplished on DA Form 11–2 (Internal Control Evaluation Certification).

B–4. Test questions

Army GFO evaluation—

- a.* Was the Army GFO appointed in writing by the DOD Sponsor?
- b.* Was each Army DFO informed of their duties and responsibilities?
- c.* Was each Army DFO kept abreast of changes in policy, regulation, and guidance?
- d.* Was each Army-sponsored DOD-supported committee properly established with an approved filed charter prior to convening meetings?

B–5. Supersession

Not applicable.

B–6. Comments

Help make this a better tool for evaluating internal controls. Submit comments to the Administrative Assistant to the Secretary of the Army (SAAA–SPD/Army Committee Management Program), 9301 Chapek Road, Building 1458, Fort Belvoir, VA 22060–5527.

Glossary

Section I

Abbreviations

AASA

Administrative Assistant to the Secretary of the Army

ACMO

Advisory Committee Management Officer

AR

Army regulation

CFR

Code of Federal Regulations

DA

Department of the Army

DFO

designated Federal officer

DOD

Department of Defense

DODI

Department of Defense Instruction

FACA

Federal Advisory Committee Act

GFO

group Federal officer

GSA

General Services Administration

OGC

Office of the Army General Counsel

OGE

Office of Government Ethics

OMB

Office of Management and Budget

RGE

regular Government employee

SECARMY

Secretary of the Army

SGE

special Government employee

USC

United States Code

Section II

Terms

Advisory committee

Any committee, subcommittee, board, commission, council, conference, panel, task force, or other similar group which is established by statute or reorganization plan, established or utilized by the President of the United States, or established or utilized by one or more agencies, in the interest of obtaining advice or recommendations for the President or one or more

agencies or officers of the Federal Government. As defined, “Advisory Committee” does not include any committee that is composed wholly of full-time, or permanent part-time, officers or Federal employees, or any committee created by the National Academy of Sciences or the National Academy of Public Administration. When an advisory committee is composed entirely of full-time or permanent part-time Federal officers or employees, refer to specific guidance for intergovernmental and intragovernmental committees in AR 15–39 and DODI 5105.18.

Advisory committee management officer for the Department of Defense

The individual designated by the Deputy Chief Management Officer to exercise control and supervision over the establishment and procedures of the DOD Federal Advisory Committee Management Program.

Alternate designated Federal officer

A full-time or permanent part-time Federal employee appointed by the DOD Sponsor or designee to assist the committee’s appointed DFO.

Committee member

An individual who serves by appointment or invitation on an advisory committee or subcommittee. A committee member may be a Federal employee, a private U.S. citizen, or employee of a U.S. State or local government.

Continuing committee

A committee established with a general assignment for a period of time not to exceed 2 years. A continuing committee may be renewed for additional 2-year period provided there is a proper justification with each renewal.

Department of Defense Sponsor

The component head designated by the ACMO to sponsor a DOD-supported Federal Advisory Committee. The SECARMY is the DOD Sponsor for Federal Advisory Committees within the DA.

Department of Defense–supported Federal Advisory Committee or Federal Advisory Committee

Any committee subject to the provisions of 41, CFR Sections 102–3.5 through 102–3.185, and 5 USC Appendix, as amended, that the Secretary of Defense or the DOD has been directed to support or that the Secretary of Defense or designee has established.

Designated Federal officer

A full-time or permanent part-time Federal employee appointed in writing by the DOD Sponsor or designee for a specific DOD-supported committee, who serves as the Federal Government’s representative to the committee and ensures that the committee is in compliance with all applicable regulations and guidance.

Federal Advisory Committee Act

A U.S. Federal law that governs the behavior of Federal Advisory Committees (see Public Law 92–463, 6 October 1972).

Federal employee

As defined in 5 USC 2105.

Group Federal officer

A full-time or permanent part-time Federal employee appointed in writing by the DOD Sponsor or designee to assist the Sponsor in the administrative oversight and management of the Sponsor’s aspects of the DOD Federal Advisory Committee Management Program.

Regular Government employee

Refers generally to an individual employed within the meaning of 5 USC 2105 or a Federal officer as defined in 5 USC 2104.

Special Government employee

Refers to an officer or employee of the executive or legislative branch who is retained, designated, appointed, or employed to perform temporary duties (either on a full-time or intermittent basis) not to exceed 130 days during any period of 365 consecutive days.

Section III

Special Abbreviations and Terms

This section contains no entries.

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